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BY THE HOUSE OF DELEGATES,

FEBRUARY 5th, 1880.

Read, referred to the Joint Committee on Registration, and
2,000 copies ordered to be printed.

By order,

MILTON Y. KIDD,
Chief Clerk.

SPECIAL MESSAGE

FROM HIS EXCELLENCY,

WM. T. HAMILTON,

TO THE

GENERAL ASSEMBLY

OF

MARYLAND.

February 5th, 1880.

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MESSAGE.

STATE OF MARYLAND,

Executive Department,

Annapolis, February 5th, 1880.

Gentlemen of the General Assembly of Maryland:

Under the provisions of Article 2, section 19, of the Constitution, it is made the duty of the Executive, from "time to time, to inform the Legislature of the condition of the State, and to recommend to their consideration such measures as he may judge necessary and expedient." In the discharge of this duty, and in pursuance of the purpose indicated in my inaugural, I most respectfully beg leave to call your special attention to the necessity of an early consideration of some measure for the Registration of Voters, and the general conduct of Elections.

The Executive is required to make his appointments within fifty days from the beginning of the session, and if a change in the System of Registration be contemplated, especially in respect to the Registrars, and the power of appointment be still vested in the Executive, the importance of early action will be readily perceived.

The popular will, expressed through the forms of law, is the life of the State. That it be honestly and fairly expressed, is the sovereign necessity of Republican Institutions. Absolute acquiescence in such expressed will of the people, is the first duty of the citizen, and the ruling principle in free government. This acquiescence to secure salutary results, must be accompanied with corresponding content, and this content can only be had when the fact is assured that there is to be a fair and honest declaration of the popular will.

However much any one may consider it to be founded in error, or injurious in its consequences, the majesty of its power is supreme with every good citizen, the great remedy resting in the right of ultimate correction by the same constitutional and legal methods which gave it expression.

The great object of a good and efficient system, is to have a fair vote cast, and that it then be honestly counted. Every measure, and the detail of every measure, should be directed solely to this end, and with such an open intention as will justly defy all adverse criticism.

Elections should not only be fair in fact, but in their conduct and regulation they should be above suspicion. I take it that there was a general acquiescence in the desire for a new registration, and especially in the City of Baltimore, and there seems to be now a pervading feeling that the existing Registration Laws do not satisfy public sentiment.

In thus calling your attention to the subject, allow me to refer to some few things that strike me as necessary to an efficient system.

The Registration and voting precincts or districts should be the same, and should not contain more than about four hundred voters, and more particularly should this be so in the City of Baltimore, where, on account of the press of population, individuals are not so well and generally known, or so easily recognized.

The Registrar should be *ex officio* one of the Judges of Election, and should be required to serve as such. To save any additional expense, one of the Judges of Election could be dispensed with, leaving but three still as the number of the Election Board, and the Judges and Clerks of Election should be of opposing political parties.

The Registration should be biennial or quadrennial in the city, and decennial in the counties, with revision in the meantime. The Registrars, together with the Judges and Clerks of Elections, should be obliged to serve when appointed, and put under penalties for neglecting or refusing to serve.

Some provision having the force of authority, should be made to secure suitable rooms for Registration and Election purposes.

The voter should be present in the room to see his ballot deposited, and at the same time for his better identification.

Also provision for a reasonable number of challengers selected by opposing parties, and by candidates, to be present on both occasions to witness the process of Registration and balloting, and to contest the right of those offering to become voters or to vote.

The pay of the Registrar and of the Judges of Elections ought to be nominal.

These should be regarded as places of trust and of duty, and not of emolument or profit. Every citizen owes some

personal service to the State, and that without reference to remunerative compensation; that of Juror, Registrar, Judge of Election, the posse comitatus and soldier, are to be regarded as an elemental and primary duty. It is but occasional, and does not seriously interfere with regular avocations unless in case of continued war. It is that kind of service where there is no time left to the citizen for other modes of obtaining support, which alone should involve the considerations of adequate pecuniary compensation.

There is no need of the Registration assuming large proportions; it should be as simple and as plain as it can be made, and limited to the shortest period of time consistent with a fair opportunity to every voter to register.

The vote at the election precinct or district is required to be taken in one day, and in the counties, within nine hours.

It does appear to me, that with the Precinct Registration, where the vote is not to exceed four or five hundred, three days for Primary Registration, and two for Revision, would be ample time for the voter to register, and for the careful performance of the duties of the officer.

With this economy in time, and the very moderate and reduced pay to be allowed for the service, the expense attending the Registration cannot be greater than that now incurred for the periodical revision under the present law, thus obviating the very serious objection urged by many to the Registration on account of the apprehended large cost of it.

In the City of Baltimore, particularly, where the annual salary of the Registrar is \$500, if this system be adopted, there will be a reduced expenditure, besides divesting the Registrar there of the inviting character of a salaried officer. Of course, there are many other details which go to make up the efficiency of the system, but any detail which tends to promote a fair and an honest Registration, will have my cordial approval.

I know there are many in the counties who are not favorably disposed to a new Registration, for different reasons, and no doubt, some are of a substantial character for their localities. The intervening difficulty is, however, that it is held by gentlemen of high legal character, that if there be a new Registration at all, the Constitution requires that it must be made general, and that though it might be absolutely required for the City of Baltimore only, and not elsewhere, still, to be made there, it must likewise be made in the counties.

Without undertaking to express my own opinion in this respect, I most respectfully recommend to you, in order to remove all doubts upon the subject for the future, that the Constitution be so amended as to give the Legislature undoubted power to make provision for a separate and independent Registration for the city.

There is another subject enlisting general interest, and to which I most earnestly call your attention. Primary meetings or assemblies of the people for the purpose of presenting candidates, have become potential instrumentalities in directing the popular choice at Elections, and are to be regarded, perhaps, as established institutions.

Being so important in their character and influence, it becomes our duty to put them under the protection of law, so as to guard their deliberations and acts against fraud, corruption and violence.

Therefore, I take the liberty of recommending to your favor, the adoption of such legislation as will extend to these meetings the most thorough protection from the perpetration of wrongs, that would, if committed, make them absolute evils.

Bribery at Elections is another subject to which I invite your most serious consideration; not only direct bribery, but bribery in all its modified, incidental and attendant phases.

There was legislation against it so far back as 1799, and continued to this day. By the Constitution of 1850, Article 1, section 2, any person offering or receiving a bribe in respect to voting, as therein set forth, in addition to the penalties to be prescribed by law, was thereafter, upon conviction in a Court of Law, disqualified from holding office or from voting.

And by section 4, same Article, any person elected or appointed to office, was required to swear that he had not violated the provisions of the Constitution in relation to bribery.

All these provisions were retained in the Constitution of 1864 and 1867, except that requiring the person elected or appointed to office to swear, as prescribed by section 4, was omitted in the Constitution of 1867.

Beside, laws have been passed inflicting severe penalties of both fine and imprisonment for this offence.

In so far as my experience extends, no presentments are found, and never, to my knowledge, has there been a conviction.

That the evil exists to an alarming degree, and is yearly increasing, no one can doubt. Probably the severity of the punishment in thereafter disqualifying the convicted person from voting or holding office, has prevented the due execution of the law. However this may be, existing legislation fails to suppress the evil.

This uniform exemption from punishment has made its pernicious practices and influences open and notorious, and they are seen and felt upon the approach to nearly every ballot box.

If this is permitted to continue, there is an end to all pure elections. The first quality of an election is, that it should be pure, as well as fair.

My objections go not only to bribery, but to all those practices that require contributions for Election purposes, or demands upon candidates or parties for all kind of purposes, in view of the Election.

So offensive and oppressive has this become, that any gentleman not accustomed to such practices, or without means to incur such expenses, must decline becoming a candidate. Under what may be justly called the *duress* of an Election, candidates and persons holding office are not only expected to contribute voluntarily, but demands are made upon them, not only for direct election purposes, but for all kinds of objects, religious, charitable, benevolent and social, by clubs, societies and individuals. Payments for service at the polls on election day, and the payment of wages for the day's work, are expected and often required to be made.

All this should be suppressed, if possible ; at all events, every effort should be made to suppress it.

There are innocent, and, no doubt, proper, expenditures in connection with Elections, but any expenditure of money having a tendency to demoralize or oppress the candidate or corrupt the voter, should be made illegal.

Constitutional provisions and our penal laws have utterly failed to stop direct bribery, and much less will it be able to stop the concomitant evils.

In my judgment, the available recourse for at least a measurable suppression of these evils, is, that such practices be cause of challenge at the polls. The person offering to vote being guilty of any one of them, to be excluded from voting at that election. The person offering to vote to be sworn, at the option of the Judges, or upon the request of any voter as to the facts, with the right of contradiction.

I am inclined to believe that persons would hesitate to commit any act of bribery, or any of these practices, when they knew that they might be obliged to pass through such an ordeal.

It may be said that as this may deprive a citizen of his vote, it would be regarded as a superadded qualification to that prescribed in the Constitution, and therefore it is not in the constitutional power of the Legislature to enact any such law.

True, the Constitution does prescribe the qualification of an elector, but at the same time, Article 3, section 42, requires that the General Assembly shall pass laws necessary for the preservation of the purity of Elections.

This is a most comprehensive power, and is without limitation or restriction as to how the purity of Elections is to be preserved, leaving, necessarily, the means adequate to secure the object entirely within the discretion of the Legislature.

The command is imperative upon the Legislature to pass laws to preserve purity, and the adoption of the most effectual should be regarded as the best discharge of this duty.

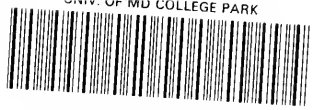
The rational conclusion, it seems to me, in adjusting these two Constitutional provisions, that of the qualification of the elector, and the power to purify the Elections to a harmonious relation, is, that the right to vote as established by a definite qualification, is one thing, and the purity of that vote is another thing; the power to enforce the purity of it being as supreme as the right to vote upon the qualification. If, however, in your wisdom, it should be considered that an exclusion from voting for such an offence, is not within your constitutional power, I submit to you the necessity of an amendment to the Constitution, giving the Legislature full power over the whole subject.

But if, upon the contrary, you should deem the subject within your constitutional power, I most earnestly urge upon you the enactment of such legislation as I have indicated, but at all events, such as you may deem advisable to suppress or check these evils.

I submit these views with great deference, and with the earnest desire that you devise such remedial measures as the exigencies demand.

WILLIAM T. HAMILTON.





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